

Town of Frederick Board of Trustees



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AM 2009-089

REQUEST TO WAIVE SECTIONS 2.18.3 AND 2.18.6(C) OF THE LAND USE CODE ALLOWING MORE THAN 25% METAL FINISH TO A PROPOSED BUILDING AT 7700 MILLER DRIVE (FRONT RANGE TOOLING)

Agenda Date: September 22, 2009

Attachments:

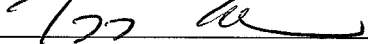
- a. Letter from the applicant / criteria response
- b. Sections 2.18.3 and 2.18.6 (C) of the Land Use Code
- c. Resolution
- d. Vicinity map
- e. Proposed site plan
- f. Proposed accessory building elevation

Fiscal Note: None noted.



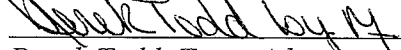
Marcia Lierman, Finance Director

Submitted by:



Todd Tucker, Staff Planner

Approved for Presentation:



Derek Todd, Town Administrator

AV Use Anticipated Projector X Laptop

Certification of Board Approval:

Town Clerk

Date

Summary Statement:

The applicant wishes to construct a 6,000 square foot accessory building to be located at the rear of the lot and behind an existing building at 7700 Miller Drive. The façade of the proposed structure is metal with some stone block along the north elevation. The applicant has also proposed to a total of add five

trees along the north and southwest elevations to conceal the proposed metal building from adjacent properties.

While no referral indicated a conflict with the request, Staff cannot support a deviation from the provisions of the Land Use Code, unless otherwise approved by the Board of Trustees. Therefore, staff seeks direction from the Board regarding the request.

Detail of Issue/Request:

Applicant / Owner: Jason and David Thorngren, Thorngren Building Company, Inc.

Surrounding Zoning / Land Uses: Surrounding Zoning is Industrial with a PUD overlay. The site, Lot 1, Block 6 Frederick West Business Center Filing 3 (7700 Miller Drive), consists of 2.12 acres and is developed with a 15,000 square foot masonry block building. The parcel is bounded by Miller Place to the north and Miller Drive to the west. All but one of the adjacent six properties is developed. The undeveloped property is east of and adjacent to the subject parcel.

Referral: The application was referred per the provisions of the Land Use Code to the applicable referral agencies, departments, and interests.

Public Notice: The public meeting was noticed in accordance with the provision of the Land Use Code.

Review Criteria: Section 4.7.8 of the Land Use Code establishes the criteria for a waiver request as follows:

(1) The waiver, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor diminish the value, use or enjoyment of adjacent property.

The applicant requests a waiver from Sections 2.18.3 and 2.18.6(c) of the Land Use Code to allow metal siding to comprise of more than 25% metal finish walls on the exterior of industrial buildings.

The applicant states "If granted the waiver will not alter the essential character of the neighborhood or district, nor diminish the value, use or enjoyment of adjacent properties due to the proposed buildings concealment behind new landscaping in the form of Patmore Ash trees on the north side. The building is almost completely concealed behind the existing building and a block wall at the patio on the north side as well. The north elevation architecture will be made up of split faced block, metal siding, windows, and doors and is at equal or higher standard than the neighboring buildings. This is the only elevation the will be in view from a street (Miller Pl), which is not a main arterial road. The east elevation is out of any plain view from the streets and the south elevation will be entirely concealed by the neighboring metal building."

Upon review of the application and surrounding development, Staff finds that the existing structure has a block façade. In comparison, the proposed 100' x 60' structure (6,000 square feet) has a total façade surface area of 6,240 square feet, of which 6% is proposed to consist of a block fascia (on a portion of the north façade). The remaining fascia consists of metal. The windows and doors encompass about 5% of the façade, which further break up the mass of each elevation. Combined, the proposed split block fascia, doors, and windows encompass 13% of the

façade of the proposed building. The placement of the proposed building will also reduce its visibility from adjacent public rights-of-way.

In examining the surrounding area, the properties to the north and south of 7700 Miller Place were developed between 1998 and 2000 and consist of block, stucco, and metal siding. The majority of the adjacent buildings have a multiple materials applied to their facades (stucco, split faced block, and metal). In general, the visibility of metal siding is minimized along the elevations that are open to view from the public road. Since 2006, three of the adjacent properties have added square footage through the Site Plan Review process including:

- Front Range Fire Apparatus (one accessory building consisting of 15,000 square feet built in 2008). The principal building was built in 1999 and consists of 7,200 square feet. The principle building is primarily split faced block with some metal to the rear and side of the building. The accessory building is an all steel building with colored columns to meet the intent of the code in effect at the time of construction.*
- Mark Young Construction (one structure consisting of 18,817 square feet built in 2007). This is a structure with multiple building materials, including stone, split faced block and stucco.*
- Frederick West Storage Condos (three buildings were approved totaling 36,669 square feet. Two buildings were constructed in 2006). This is a structure with multiple building materials, including split faced block, stucco, and metal siding.*

Each of the structures listed above met the requirements of Article 2 of the Land Use Code as adopted in 2005. Since adoption of the 2009 standards no structures have been developed in proximity to the site.

As suggested in the applicant's letter, the existing building exceeds the architectural standards in the current and former Land Use Code. In addition, the applicant proposes to cover 13% of the proposed structure with block fascia, doors, and windows; and will also install a total of five trees to further screen the structure from views from the west and north. The adjacent properties complied with the applicable provisions of the Land Use Code at the time of construction. Provided the structure applied some architectural treatments to ensure compatibility with the neighboring structures and sufficient landscaping was installed to screen the structure, the proposed development is not likely to have a negative impact on the neighboring character or diminish the value, use or enjoyment of adjacent property.

Staff suggests that if the waiver is deemed favorable by the Board, the Board consider limiting the amount of metal siding to no more than 50% of the total site for metal siding (similar to the US Engineering waiver) and install sufficient landscaping (trees and shrubs) along the west, east, and north elevations to screen the structure from adjacent properties, as approved in the Site Plan Review process. This may include placing landscaping along the eastern side of the proposed fence to screen the structure from the Mark Young Construction Building.

(2) The waiver, if granted, is the minimum variance that will afford relief and is the least modification possible of the subdivision ordinance provisions which are in question.

The applicant suggests that "As stated in the comment above the potential viewable sides of the building have been altered or concealed and is the minimum variance that will afford relief and is the least modification possible of the subdivision ordinance provisions which are in question."

As noted above, if the waiver is deemed favorable by the Board, staff suggests limiting the amount of metal siding to no more than 50% of the total site for metal siding and install sufficient landscaping (trees and shrubs) along the west, east, and north elevations to screen the structure from adjacent properties, as approved in the Site Plan Review process. This may include placing landscaping along the eastern side of the proposed fence, to screen the structure from the Mark Young Construction Building.

(3) Such practical difficulties or unnecessary hardship has not been created by the applicant.

The applicant suggests that "No such practical difficulties or unnecessary hardship will be created by our application for this waiver."

The Land Use Code establishes the requirements for development within the community, including the desired architectural character. The development code has changed over the years in accordance with requirements of the time. In this instance, most of the surrounding development was approved under the previous requirements which allowed for more metal siding than the current standards. While the applicant could choose to meet the requirements of the current code, they did not affirmatively create the practical difficulties.

Summary: *The existing building exceeds the architectural standards with regard to metal siding in the current and former Land Use Code. The applicant has proposed to install block fascia on 6% of the façade and install five trees to further screen the proposed accessory structure from views from the west and north.*

Provided the structure applied some architectural treatments to ensure compatibility with the neighboring structures and sufficient landscaping was installed to screen the structure the proposed development is not likely to result in a negative impact on the neighboring character or diminish the value, use or enjoyment of adjacent property.

If the waiver is deemed favorable by the Board, staff suggests limiting the amount of metal siding to no more than 50% of the total site and install sufficient landscaping (trees and shrubs) along the west, east, and north elevations to screen the structure from adjacent properties, as approved by Staff in the Site Plan Review process. This may include placing landscaping along the eastern side of the proposed fence, to screen the structure from the Mark Young Construction Building.

Legal/Political Considerations:

None noted.

Alternatives/Options:

ACTIONS: *The Board of Trustees may consider the following options regarding the application:*

- ☐ *Approval of the request finding it is substantially in conformance with the provisions of the Land Use Code and Comprehensive Plan;*

- ☐ *Denial of the request with a finding that it does not substantially achieve conformance with the provisions of the Land Use Code and Comprehensive Plan;*
- ☐ *Approval of the request finding that it would be substantially in conformance with the provisions of the Land Use Code and Comprehensive Plan if certain conditions are met;*

Financial Considerations:

Not Applicable.

Staff Recommendation:

Staff seeks direction from the Board of Trustees regarding the request to waive Sections 2.18.3 and 2.18.6(c) of the Land Use Code allowing more than 25% metal finish to a proposed building at Front Range Tooling of the Land Use Code.

If approved by the Board, Staff suggests adopting the following conditions of approval:

- 1. No more than 50% of the over-all site may consist of metal siding.*
- 2. Sufficient landscaping (trees and shrubs) be planted along the west, east, and north elevations to screen the structure from adjacent properties. This may include placing landscaping along the eastern side of the proposed fence, to screen the structure from the Mark Young Construction Building, as approved by Staff in the Site Plan Review process.*

Furthermore, Staff requests feedback from the Board regarding the desire to amend the code with regard to these provisions.